

PROVIDING FOR THE CONSIDERATION OF H.R. 1977, THE
INTERIOR APPROPRIATIONS BILL FOR FISCAL YEAR 1996

JULY 11, 1995.—Referred to the House Calendar and ordered to be printed

Ms. PRYCE, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 185]

The Committee on Rules, having had under consideration House Resolution 185, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY AND EXPLANATION OF PROVISIONS OF RESOLUTION

The resolution provides an open rule for the consideration of H.R. 1977, the Interior appropriations bill for fiscal year 1996. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives the following provisions of the Budget Act against consideration of the bill: section 302(f) prohibiting the consideration of a measure containing new entitlement authority in excess of a committee's allocation; section 306, prohibiting the consideration of matters within the Budget Committee's jurisdiction in a measure not reported by that committee; and section 308(a), prohibiting the consideration of a bill containing new entitlement authority if the report does not include a cost estimate on such entitlement authority.

The rule also waives clause 2 of rule XXI, prohibiting unauthorized appropriations and legislative provisions in an appropriations bill, and clause 6 of rule XXI, prohibiting reappropriation in an appropriations bill, against provisions in the bill. The rule also waives clause 2(e) of rule XXI, prohibiting non-emergency amendments to be offered to a bill containing an emergency designation under the Budget Act, against amendments offered to the bill.

The rule provides that the bill be read by title rather than by paragraph for amendment, and that each title be considered as read. The rule permits the Chair to accord priority in recognition

to a Member who has preprinted an amendment in the Congressional Record. The rule provides for the automatic adoption of the amendment printed in section 2 of the rule, and waives points of order against the amendment printed in section 3 of the rule if offered by Representative Schaefer of Colorado or Representative Tauzin of Louisiana. Finally, the rule provides for one motion to recommit, with or without instructions.

Below is an explanation of the waivers provided by the rule in addition to the clause 2 and 6 waivers of rule XXI, protecting unauthorized and legislative provisions and reappropriations in the bill against points of order:

1. Section 302(f) of the Budget Act, which prohibits, among other things, consideration of legislation containing new entitlement authority in excess of a committee's allocation, is waived because the bill contains what is technically considered an entitlement. On page 75 of the bill, under the paragraph entitled, "National Capital Planning Commission; Salaries and Expenses," is a provision that requires that "all appointed members will be compensated at a rate equivalent to the rate for Executive Schedule Level IV." Since this does not make the amount of salaries either discretionary or a ceiling, but rather mandates a specified amount to be paid for the salaries of appointed members, it is considered an entitlement provision. Under the self-executed amendment contained in section 2 of the rule, this mandatory salary provision is changed to a discretionary provision by changing the rate of pay to a ceiling.

2. Section 308(a) of the Budget Act, which prohibits the consideration of measures containing new entitlement authority if the report does not contain a cost estimate of such entitlements, is waived because the report does not contain required cost estimates on the salaries for the appointed members of the National Capital Planning Commission described above. Again, this entitlement provision is addressed by the amendment contained in section 2 of the rule making the salary level a ceiling.

3. Section 306 of the Budget Act, which prohibits the consideration of matters within the jurisdiction of the Budget Committee in a measure not reported by that committee, is waived because the bill contains a change in budget score-keeping. At page 57 of the bill, under the paragraph entitled, "Strategic Petroleum Reserve," is a provision that allows a portion (\$100 million) of the proceeds from the sale of oil from the SPR to be included in the budget baseline required by the Balanced Budget and Emergency Deficit Control Act "as an offset to discretionary budget authority and outlays for the purposes of section 251(a)(7) of that Act." That section of the Balanced Budget Act relates to CBO and OMB estimates of congressional action on discretionary spending bills for purposes of enforcing discretionary spending limits. The self-executed amendment contained in section 2 of the rule strikes this directed score-keeping provision.

4. Clause 2(e) of rule XXI, which prohibits the consideration of non-emergency amendments to an appropriations bill containing an emergency designation under section 251(b)(2)(D) or section 252(e) of the Balanced Budget and Emergency Deficit Control Act, is waived. H.R. 1977 contains at least two such emergency designations: sec. 101 (p. 39, of the bill) contains an emergency designation

for funds used for the repair replacement of Interior Department buildings and equipment damaged destroyed in disasters and; and section 102 (p. 41 of the bill) contains an emergency designation for funds to be used for certain agency actions relating to the prevention of or response to various specified natural disasters. Without this waiver of clause 2(e) against amendments, no amendments could be considered to the bill.

Below is a copy of a letter received by the Rules Committee from the chairman of the Committee on the Budget raising concerns about the above Budget Act violations. The Rules Committee has addressed these concerns by the amendment in section 2 of the rule.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, July 11, 1995.

Hon. GERALD B.H. SOLOMON,
Chairman, Committee on Rules,
House of Representatives, Washington, DC.

DEAR CHAIRMAN SOLOMON: I understand that the Committee on Rules is expected to correct, as part of a special rule, several Budget Act violations in H.R. 1977, the appropriations bill for the Department of the Interior and Related agencies. I commend the Rules and Appropriations Committees for correcting these problems rather than seeking Budget Act waivers. I also want to express my intention to report legislation that will address the concerns of the Appropriations Committee on the budgetary treatment of asset sales.

As reported, the bill violates Section 306 of the Congressional Budget Act which prohibits the consideration of legislation that is within the jurisdiction of the Committee on the Budget. The bill changes the budgetary treatment of proceeds from the sale of oil from the Strategic Petroleum Reserve under the discretionary spending limits. The Budget Committee has primary jurisdiction over both budgetary terminology and the discretionary spending limits.

My concern is that this language sets a precedent for allowing committees to amend the budget process on a bill-by-bill basis. I am committed, however, to changing the treatment of asset sales as part of a comprehensive bill on the discretionary spending limits in the Fall. I understand that the Appropriations Committee will delete this provision as part of a self-executing rule.

I might point out that in Section 206 of the Conference Report accompanying H. Con. Res. 67, the Budget Committee already changed the treatment of asset sales for the purpose of allocations, reconciliation, and points of order under the Budget Act.

I want to assure you that deleting the provision on asset sales will not put the Appropriations Committee in the position of exceeding the discretionary spending limits. These limits, as currently adjusted by law, exceed the allocation of discretionary spending to the Appropriations Committee for Fiscal Year 1996 by a substantial margin.

As reported, the bill also violates Section 308 of the Budget Act because it creates new entitlement authority but does not include

a CBO cost estimate. The bill creates new entitlement authority by authorizing salaries for members of the National Capital Planning Commission at a specific GS level. I understand that the wording of this provision will be changed so that it can no longer be construed as providing new entitlement authority by stipulating that compensation shall be at a rate "not to exceed" the rate for Executive Schedule IV.

I appreciate your continuing assistance in enforcing the budget resolution.

Sincerely,

JOHN R. KASICH,
Chairman, Committee on the Budget.

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